

USDC: EASTERN DISTRICT

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JAIME FRANCO

Plaintiff,

CV111729

-against-

STIPULATION AND
ORDER OF WITHDRAWAL
AND DISMISSAL

THE CITY OF NEW YORK, CORRECTIONS
OFFICER POWELL

Defendants.

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WHEREAS, plaintiff commenced this action by filing a Complaint with the Clerk of the Eastern District of New York, on or about April 8, 2011, alleging violations of his federal and state rights; and

WHEREAS, at the time of the filing of this Complaint, plaintiff was and continues to be represented by Mallilo & Grossman; and

WHEREAS, the City of New York, and Corrections Officer Powell are named defendants in this case; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for plaintiff and defendants as follows:

1. Any and all claims brought in this Complaint, as the First Cause of Action, pursuant to 42 U.S.C. § 1983, the Constitution of the United States or any act of Congress providing for the protection of civil rights against the defendants are dismissed, with prejudice.


2. Any and all successors or assigns, present or former employees, representatives and agents of the City of New

York are released and discharged from any and all liability, claims, or rights of actions which were or could have been alleged pursuant to federal law by plaintiff arising out of the events alleged in the Complaint in said action, including all claims for attorney's fees, expenses and costs.


3. The federal claims in the above action are withdrawn and discontinued, with prejudice, without attorney fees or costs to any party.

4. Plaintiff's remaining state law claims pursuant to the Second, Third, Fourth and Fifth causes of action in plaintiff's Complaint, are dismissed, without prejudice, with leave to re-file said claims in the Supreme Court of the State of New York, County of Queens.

Dated: Brooklyn, New York
June 14, 2012



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SQ ORDERED:

s/ SLT

HON. SANDRA L. TOWNES

6/15/12